

LYNCHBURG CITY COUNCIL  
Agenda Item Summary

MEETING DATE: **June 14, 2005**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

**ITEM TITLE: Rezoning – 430 Graves Mill Road, R-4, Medium-High Density Multi-Family Residential District to B-1, Limited Business District (Conditional)**

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: Jerry E. Brammer is petitioning to rezone a tract of .6310 acres at 430 Graves Mill Road from R-4, Medium-High Density Residential District to B-1, Limited Business District (Conditional) to allow the use of an existing structure as a real estate office. The Planning Commission recommended approval of the rezoning because:

- The Future Land Use Map indicates a mixture of Medium Density Residential, Community Commercial and Employment 1 uses for the area.
- Petition proposes to limit the use of the property to an office use and will renovate an existing business.

PRIOR ACTION(S):

June 1, 2005: Planning Division recommended approval of the Rezoning.  
Planning Commission recommended approval (6-0, with Commissioner Dahlgren absent) of the rezoning with the following voluntarily submitted proffers:

1. The property will be used for office purposes only.
2. The property will be connected to the City's sewer system.
3. All exterior lighting will be non-directional and glare shielded.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn/ 455-3902

Tom Martin/ 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC Minutes
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Site Plan
- Speaker Sign-Up sheet

REVIEWED BY: lkp

## ORDINANCE

AN ORDINANCE CHANGING THE PROPERTY LOCATED AT 430 GRAVES MILL ROAD, LYNCHBURG, VIRGINIA FROM R-4, MEDIUM-HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT, TO B-1(C), LIMITED BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.\_\_\_\_\_, which section shall read as follows:

Section 35.1-76.\_\_\_\_\_. Change of the property located at 430 Graves Mill Road, Lynchburg, Virginia, from R-4, Medium-High Density Multi-Family Residential District to B-1(C), Limited Business District (Conditional).

The area embraced within the following boundaries . . .

Beginning at an iron set on the northeasterly edge of Graves Mill Road (which has a right-of-way width of 80 feet) 611.60 feet northwest of the intersection of Graves Mill Road and Old Mill Road; thence along the northeasterly edge of said right of way of Graves Mill Road N 36° 22' 13" W 155.17 feet to an iron found corner with Bessie M. Harris; thence leaving said right-of-way line and following the line of Bessie M. Harris (part of tract 14) N 50° 45' 08" E 182.16 feet to an iron set on the line of Bessie M. Harris corner with Parcel "A"; thence leaving her line and following the lines of Parcel "A" S 39° 14' 52" E 140.96 feet; thence S 46° 32' 02" W 190.47 feet to the point of beginning, and containing 0.6314 acres more or less. This parcel is known as Parcel "B" and is also known as Valuation Map Number 238-02-001.

. . . is hereby changed from R-4, Medium-High Density Multi-Family Residential District, to B-1(C), Limited Business District (Conditional), subject to the conditions setout hereinbelow which were voluntarily proffered in writing by the owner, namely: Jerry E. Brammer, to wit:

1. The property will be used for office purposes only.
2. The property will be connected to the City's sewer system.
3. All exterior lighting will be non-directional and glare shielded.

And the Director of Community Planning and Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this Chapter to be amended in accordance therewith.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

# The Department of Community Planning & Development

## City Hall, Lynchburg, VA 24504

## 434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** June 1, 2005  
**Re:** **REZONING: R-4, Medium-High Density Multi-Family Residential District to B-1(c), Limited Business District (Conditional) at 430 Graves Mill Road.**

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### I. PETITIONER

Jerry E. Brammer, 1449 Graves Mill Road, Lynchburg, VA 24503

**Representative:** Jerry E. Brammer, 1449 Graves Mill Road, Lynchburg, VA 24503

### II. LOCATION

The subject property is a tract of .6310 acres located at 430 Graves Mill Road, Lynchburg, VA 24501.

**Property Owners:** Michael B. Magri & Cristina M. Pacho, 132 Hunting Lane, Goode, VA 24556

### III. PURPOSE

The purpose of this petition is to allow for the use of an existing building as a real estate office.

### IV. SUMMARY

- The *Comprehensive Plan* recommends a Medium-Density Residential land use for this site. Existing land uses within the area include a single-family residential lot to the north of the property; the remaining properties adjacent to the site are commercial properties.
- Petition agrees with the Zoning Ordinance in that offices are permitted in a B-1 Limited Business District, provided that no merchandise, material or equipment is stored or kept on the premises for sale demonstration or repair.
- Mr. Brammer proposes to move his real estate office, Real Estate 2000, from his current Bedford County location to the property located at 430 Graves Mill Road. A rezoning is required to allow the use of the existing building on the site currently zoned R-4 Multi-Family Residential District, as a real estate office.

### The Planning Division recommends approval of the rezoning petition.

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### V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Medium-Density Residential development in this area. Medium-Density residential uses are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate. Adjacent land uses as designated by the Future Land Use Map include a combination of medium-density, commercial, institutional and resource conservation properties.  
  
The Future Land Use Map [FLUM] is not intended to be parcel specific. The FLUM also indicates Employment 1 and Community Commercial Uses in the immediate area. Given existing zoning and adjacent land use patterns in the area, the proposed office is suitable on the property.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-4, Medium-High Density Multi-Family Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Proffers.** The petitioner voluntarily submitted the following proffer(s) with the rezoning application:
  - 1) The property will be used for office purposes only.
  - 2) The property will be connected to the City's sewer system.
  - 3) All exterior lighting will be non-directional and glare shielded.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed office use.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
  - 4/10/1979: City Council approved BPO Elk's Lodge #321's CUP petition to construct a new lodge at 6235 Old Mill Road.
  - 10/8/1991: City Council approved Babcock & Wilcox's CUP petition to erect a microwave transmission tower at 155 Mill Ridge Road.
  - 10/13/1992: City Council approved amendments to The Lynchburg General Plan, The Official Zoning Map and Section 35.1-43.3 *Scenic Corridor Overlay District* of the City Zoning Ordinance to rezone the Graves Mill/US 221 Area and designate certain parts of that area as Scenic Corridor.
  - 3/9/1993: City Council approved Obaugh Chevrolet, Geo & Cadillac's petition to rezone 17.4 acres at 801 Graves Mill Road from B-5(c) to B-5(c) by amending the previously approved proffers and site plan to allow the expansion of an automobile body shop.
  - 12/12/1995: City Council approved James Anderson's petition to rezone 2.95 acres at 327 Graves Mill Road from I-1 to B-5(c) for the expansion of an existing commercial amusement facility.
  - 12/9/1997: City Council approved William Overacre's petition to rezone 9 acres at 427 Graves Mill Road from I-1 to B-3(c) to allow for the construction and operation of buildings for commercial service and retail use.
  - 5/11/1999: City Council approved D. Scott and Richard Zechini's petition to rezone the 400 block of Graves Mill Road from R-4 to B-1(c) (conditional) and a CUP for the construction of a cluster commercial development at 424 Graves Mill Road.
  - 6/8/1999: City Council approved Rock Castle Partners petition to rezone 20 acres of the 700 block of Graves Mill Road from I-1 to B-3(c) (conditional) to allow speculative office, restaurant and retail sales uses.
  - 10/10/2000: City Council approved L. E. Lichford, Inc.'s CUP petition to develop a truck refueling facility at 166 Mill Ridge Road.
6. **Site Description.** The subject property is bounded to the northwest by a single family residential lot and to the southwest, northeast and southeast by commercial properties.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the use of an existing building as a real estate office. The petitioner has voluntarily proffered that, if the re-zoning is approved, the property will be limited to office use only.
8. **Traffic and Parking.** The City's Traffic Engineer has noted that sight distance for vehicles coming out of the driveway is approximately one hundred fifty (150) feet short due to the road bank and the curvature of the road. However, the proposed use will actually generate less daily trips than the full "build out" permitted by the existing zoning. It was estimated that this site could have twelve (12) to fourteen (14) residential units permitted "by right" under the current R-4 designation. When comparing trip generation between the full "build out" of the residential and the proposed office, the office generated considerably less trips than the twelve (12) to fourteen (14) residential units. As a consequence, the rezoning of this property may reduce the risk of a potential concern at this driveway.

Parking requirements for the proposed development are one (1) space for every three hundred (300) square feet of gross floor area, exclusive of utility areas. The site plan indicates that the floor area of the building is one thousand three hundred, forty four (1,344) square feet; as such, five (5) spaces are required for the office. The site plan shows that five (5) parking spaces will be provided to meet the requirement of City Code.
9. **Storm Water Management.** New impervious area exceeds one thousand (1,000) square feet; as such, a stormwater management plan will be required for the construction of the paved driveway. The increase in post-development runoff conditions due to the new impervious area will be managed through the use of a proposed mulched landscape bed adjacent to the driveway.

10. **Impact.** The change in use of the existing building to a real estate office will have limited impacts on the surrounding neighborhood. The design and layout of the current building is acceptable.

Parking and traffic requirements have been sufficiently met for the project. Lighting will be installed within the parking area for safety. The petitioner has voluntarily proffered that the lights will be non-directional and glare-shielded to prevent illumination across the property line onto adjacent properties.

A portion of the property is located within the Scenic Corridor Overlay District. The City's Urban Forester has determined that the preservation of the existing large trees on the site along with the proposed landscaping is sufficient to meet the 15% landscaping requirement. In addition, two trees will be added at the northeast corner of the property to buffer the existing residence.

The addition of a paved driveway will increase new impervious area on the site by slightly more than the one thousand (1,000) square foot threshold. Due to the minor increase in runoff from the new area, the City's Environmental Planner has determined that a mulched landscape bed installed adjacent to the driveway will be sufficient to address stormwater quantity and quality requirements.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 3, 2005. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.

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## **VI. PLANNING DIVISION RECOMMENDED MOTION:**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Jerry E. Brammer's petition to rezone the property located at 430 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District to B-1, Limited Business District (Conditional).**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. R. Douglas DeJarnette, Fire Marshal  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Robert Drane, Building Commissioner  
Mr. Keith A. Wright, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent L. White, Senior Planner  
Ms. Erin M. Bryant, Environmental Planner  
Mr. Jerry E. Brammer, Representative

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)

## MINUTES FROM THE JUNE 1 PLANNING COMMISSION MEETING

These minutes have been reviewed by, but not approved by the Planning Commission

Petition of Jerry E. Brammer to rezone approximately .6310 acres located at 430 Graves Mill Road from R-4, Medium-High Density Residential District to B-1, Limited Business District (Conditional) to allow the use of an existing structure as a real estate office.

Mr. Tom Martin, City Planner, explained that the petitioner was requesting that the property at 430 Graves Mill Road be rezoned from R-4, Medium-High Density Residential District to B-1, Limited Business District (Conditional) to use the existing structure as a real estate office. He said the Future Land Use Map indicated that the area was suitable for medium-density residential uses, community commercial, as well as employment uses. He indicated that the City's Traffic Engineer, Mr. Gerry Harter, had noted that the sight distance onto Graves Mill Road was not optimal due to the existing topography and the curvature of the road. However, he continued, the proposed use was expected to generate a significantly lower amount of traffic than what would be allowed by right if the property was developed for apartment use. Mr. Martin said stormwater management for the new impervious areas would be addressed by using multiple landscape beds adjacent to the proposed driveway. He noted that proffers were voluntarily submitted by the petitioner, which adequately addressed the development concerns. Mr. Martin added that the Planning Division did recommend approval of the rezoning as submitted.

Mr. Jerry E. Brammer, petitioner and part owner of Real Estate 2000 represented the petition. Mr. Brammer explained that he had the property on the market for the owner, but he also had the property under contract to purchase. He said Real Estate 2000 was presently located in Bedford County, but wanted to relocate in the City of Lynchburg.

Commissioner Barnes commented that the site was very appropriate for a real estate office and added that he was glad that the existing building would be preserved.

Mr. Brammer said their intentions were to upgrade the building by replacing the roof and windows, paint the house, add exterior lights and landscape the site.

Commissioner Bacon explained that she was concerned with the entry and exit from the site as it was on a curve. She suggested a mirror be placed across the street to aide cars entering on to Graves Mill from the site.

Mr. Brammer said there were only four people employed in his office and there was very little walk-in business. He added that most of their customers were met on the site of real estate for sale.

Commissioner Bacon commented that this was a very good use of the property.

After discussion Commissioner Pulliam made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

"That the Planning Commission recommends to City Council approval of Jerry E. Brammer's petition to rezone the property located at 430 Graves Mill Road from R-4, Medium-High Density Multi-Family Residential District to B-1, Limited Business District (Conditional)."

AYES:	Bacon, Barnes, Flint, Hamilton, Pulliam, Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Dahlgren	1

**REAL ESTATE 2000**

#430 Graves Mill Road  
Val. Map # 238-02-001  
Request to Rezone from R-4 to B-1  
Petitioner: Jerry Brammer

MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



200 ft Radius





